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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,692	02/02/2001	David Michael Kimble	50N3463.01	8893

7590 09/10/2004
Merle W. Richman, Esq.
P.O. Box 3333
La Jolla, CA 92038-3333

EXAMINER

KE, PENG

ART UNIT	PAPER NUMBER
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2174

DATE MAILED: 09/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/775,692

Applicant(s)

KIMBLE ET AL.

Examiner

Peng Ke

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is responsive to communications: Amendment, filed on 5/17/04.
2. Claims 1-30 are pending in this application.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-22, and 24-30 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al. (US 6,219,042).

As per claim 1, Anderson et al. teaches a method of displaying a video content frame within a WEB browser based content frame in a windowless environment (col. 1, lines 56-68, col. 2, lines 1-21), comprising the steps of:

a) generating a transparent section in the browser based content frame (col. 4, lines 53-68); and

b) overlapping the video content frame in the transparent section of the browser based content frame (col. 5, lines 15-24).

As per claim 2, Anderson et al. teaches the method of displaying a video content frame within a WEB browser based content frame in a windowless environment of claim 1, wherein the displayed size of the video content frame is smaller than the displayed size of the browser based content frame (col. 5, lines 15-24, fig 2, items 12 and 88).

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As per claim 3, Anderson et al. teaches the method of displaying a video content frame within a WEB browser based content frame in a windowless environment of claim 2, wherein video content is related to the browser based content (col. 5, lines 32-56).

As per claim 4, Anderson teaches method of handling a video media event in a windowless Web browser system comprising the steps of:

- a) detecting a video media event (col. 5 ,lines 15-24);
- b) generating a transparent section in the browser frame (col. 5 ,lines 15-24); and
- c) overlapping a video content frame in the transparent section of the browser frame

where the video content frame is generated from the video media event (col. 5 ,lines 15-24; fig 2, items 12 and 88).

As per claim 5, Anderson teaches the method of handling a video media event in a windowless Web browser system of claim 4, wherein step b) includes:

- a) decoding the video frame size from the video media event (col. 5, lines 32-56); and
- b) decoding the source of the video signal to be displayed in the video content frame from

the video media event (col. 5, lines 32-56; It is inherent that, in order for the television programming content to be displayed, it needs to be decoded first.).

As per claim 6, Anderson teaches the method of handling a video media event in a windowless Web browser system of claim 5, wherein step b) further includes decoding the video frame location within the browser frame from the video media event (col. 5, lines. 15-24, fig 2, items 12 and 88)

As per claim 7, it is rejected with the same rationale as claim 4. (see rejection above)

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As per claim 8, which is dependent on claim 7, it is of the same scope as claim 5. (see rejection above)

As per claim 9, which is dependent on claim 8, it is of the same scope as claim 6, (see rejection above)

As per claim 10, Anderson teaches the method of handling a video media event in a windowless Web browser system in a television set top box of claim 9, wherein step b) includes directing a tuner to tune to the source of the video signal to be displayed in the video content frame (col. 5, lines 15-24; It is inherent that a tuner needs to be tuned to the source of the television programming in order to display its content).

As per claim 11, it is rejected with the same rationale as claim 1. (see rejection above)

As per claim 12, which is dependent on claim 11, it is of the same scope as claim 2. (see rejection above)

As per claim 13, which is dependent on claim 12, it is of the same scope as claim 3. (see rejection above)

As per claim 14, it is rejected with the same rationale as claim 4. (see rejection above)

As per claim 15, which is dependent on claim 14, it is of the same scope as claim 5. (see rejection above)

As per claim 16, which is dependent on claim 15, it is of the same scope as claim 6. (see rejection above)

As per claim 17, it is rejected with the same rationale as claim 4. (see rejection above)

As per claim 18, which is dependent on claim 17, it is of the same scope as claim 5. (see rejection above)

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As per claim 19, which is dependent on claim 18, it is of the same scope as claim 6. (see rejection above)

As per claim 20, which is dependent on claim 19, it is of the same scope as claim 10. (see rejection above)

As per claim 21, it is rejected with the same rationale as claim 1. (see rejection above)

As per claim 22, Anderson teaches the apparatus for displaying a video content frame within a WEB browser based content frame in a windowless environment of claim 21, wherein the displayed size of the video content frame is smaller than the displayed size of the browser based content frame (col. 5, lines. 15-24, fig 2, items 12 and 88).

As per claim 24, it is rejected with the same rationale as claim 1. (see rejection above)

As per claim 25, which is dependent on claim 24, it is of the same scope as 5. (see rejection above)

As per claim 26, which is dependent on claim 25, it is of the same scope as claim 6. (see rejection above)

As per claim 27, it is rejected with the same rationale as claim 1. (see rejection above)

As per claim 28, which is dependent on claim 27, it is of the same scope as claim 5. (see rejection above)

As per claim 29, which is dependent on claim 28, it is of the same scope as claim 6. (see rejection above)

As per claim 30, which is dependent on claim 28, it is of the same scope as claim 10. (see rejection above)

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson et al. (US 6,219,042) in view of Houghton et al. (US 6,757,707) .

As per claim 23, Anderson teaches the apparatus for displaying a video content frame within a WEB browser based content frame in a windowless environment of claim 22. However, he fails to teach wherein video content is related to the browser-based content.

Houghton et al. teaches video content is related to the browser-based content. (col. 3, lines 30-40)

It would have been obvious to an artisan at the time of the invention to include Houghton's teaching with the apparatus of Anderson in order to provide user with the capability of "Featured Tuning".

Response to Argument

5. Applicant's arguments with respect to claims 1-30 have been considered but are deemed to be moot in view of the new grounds of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (703) 305-7615. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (703) 308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peng Ke

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